



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/833,426	08/03/2007	Rick Allen Hamilton II	AUS920070509US1	7857
87354	7590	10/11/2013		
IBM Corp. (FND/RCR) c/o Rolnik Law Firm, P.C. 24 N. Main St. Kingwood, TX 77339			EXAMINER COLLINS, JOSHUA L	
			ART UNIT 2491	PAPER NUMBER
			NOTIFICATION DATE 10/11/2013	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

notices@rolnikiplaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* RICK ALLEN HAMILTON II, STEVEN MARK HARRISON,  
BRIAN MARSHALL O'CONNELL, CLIFFORD ALAN PICKOVER, and  
KEITH RAYMOND WALKER

---

Appeal 2011-005226  
Application 11/833,426  
Technology Center 2400

---

Before STEPHEN C. SIU, DAVID C. McKONE and  
GREGG I. ANDERSON, *Administrative Patent Judges*.

ANDERSON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 15-20. Claims 1-14 were previously cancelled. We have jurisdiction under 35 U.S.C. § 6(b). We reverse.

STATEMENT OF THE CASE

Appellants' disclosed invention relates generally to a computer implemented method for transferring items between virtual universes. More specifically, the present invention relates to obtaining an item from a virtual universe for management within a second virtual universe. A virtual

universe permits a user to adopt an avatar or a graphical representation of the user. The user has the power to move the avatar, have the avatar interact with objects, and have the avatar interact with the avatars of other users. *See generally* Spec. ¶¶ 0001-0002. Claim 15 is illustrative:

15. A computer implemented method to obtain a copy of an inventory from a source virtual universe to a target virtual universe comprising:  
receiving a user request to manipulate an inventory;  
determining that the inventory is not present in an inventory database coupled to the target virtual universe;  
responsive to a determination that the inventory is not present, looking up at least one item of the inventory in a master inventory index;  
receiving a reference to at least one item of the inventory from the master inventory index, wherein the master inventory index hosts references for a source virtual universe and a target virtual universe that participate in a federated access to inventory;  
querying the source virtual universe host based on the reference to the at least one item wherein the reference to the at least one item references the source virtual universe; and  
receiving the at least one item from the source virtual universe.

#### THE REJECTIONS

1. The Examiner rejected claims 15-17 under 35 U.S.C. § 103(a) as being unpatentable over Muller (Jens Muller & Sergei Gorlatch, *Rokkatan: Scaling an RTS Game Design to the Massively Multiplayer Realm*, ACM COMPUTERS IN ENTERTAINMENT, Vol. 4, No. 3, pp. 1-14 (July 2006)) and Stamper (US 2007/0293319 A1, published Dec. 20, 2007, filed June 20, 2006). Ans. 4-7.<sup>1</sup>

---

<sup>1</sup> Throughout this opinion, we refer to (1) the Appeal Brief filed March 5, 2010 (“App. Br.”), as corrected on March 25, 2010; (2) the Examiner’s Answer mailed September 17, 2010 (“Ans.”); and (3) the Reply Brief filed November 16, 2010 (“Reply Br.”).

2. The Examiner rejected claims 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Muller, Stamper, and Jensen (US 2006/0287106 A1, published Dec. 21, 2006). Ans. 7-8.

### ISSUE

Under § 103, has the Examiner erred in rejecting claim 15 by finding that Muller and Stamper collectively would have taught or suggested “determining that the inventory is not present in an inventory database coupled to the target virtual universe”?

### ANALYSIS

On this record, we find the Examiner erred in the obviousness rejection of claim 15 which recites, in pertinent part, “determining that the inventory is *not present* in an inventory database coupled to the target virtual universe.” (Emphasis added). Given our decision, we do not address any other arguments for patentability made by Appellants.

The Examiner finds the disputed limitation is present in Muller, which teaches processing user interactions. Ans. 4. In Muller, some user interactions cannot be done solely by the local proxy, for example where “the local entity is only a shadow entity for the proxy that owns the item.” *Id.* (citing Muller, Section 3.5). The Examiner finds the local proxy does not contain or own an item subject to interaction. *Id.* Though not cited by the Examiner, Muller goes on to state, where the local proxy does not own the item, “the interaction command has to be forwarded to the proxy that owns the active entity of the target and is able to evaluate the interaction.” Muller, Section 3.5.

In the Response to Argument section of the Answer, the Examiner finds that updating the inventory across all the proxy servers, as taught by Muller, is “determining if the item is already in inventory.” Ans. 10. Once the updating is complete, then the item is added to the inventory. *Id.* The Examiner notes Muller teaches, in existing multiplayer games, each zone of several zones in a game world is controlled by a designated server. *Id.* (citing Muller, Section 3, Fig. 3). The Examiner finds that movement between zones transfers the avatars from one zone and associated server to another zone and associated server requires a determination that the avatar and its associated items are not present in the newly entered zone. *Id.*

Appellants argue Muller teaches a shadow entity has of copy of the “client/avatar.” App. Br. 12. According to Appellants, all of the clients or entities, active or shadow, have a copy of “each entity in each server.” *Id.* Because each server has a copy of the “inventory,” Appellants argue, Muller teaches “to always have inventory *present* on each server.” App. Br. 13. (Emphasis added). Appellants argue that, because inventory is always present in the target universe, there would have been no reason to determine that inventory is not present or to receive an item from a peer server. *See* App. Br. 12-13.

We begin by analyzing how the Examiner maps Muller to the disputed limitation. The Examiner finds the various servers of Muller, i.e., client and shadow entity, meet the “target” and “source” virtual universes recited. Ans. 4. In the example relied on by the Examiner, Client A of Muller section 3.5 is the target virtual universe and the shadow entities, i.e., Client B of Muller, are the source virtual universes. “Inventory” is defined in the Specification as “one or more items associated with a user account.”

Spec. ¶ 0030. The Examiner maps the game entity and its weapons, i.e., the avatar of Muller, to “inventory.” Ans. 4 (citing Muller, Section 3.4). None of these positions is disputed by Appellants. With the preceding in mind, Appellants’ argument is that the disputed limitation is not met because Muller fails to teach a determination that the inventory is *not present* on the inventory database of the target universe, as recited in claim 15. (Emphasis added).

Referring again to the example relied on by the Examiner; Client A attacks the avatar of Client B, representing the “source virtual universe.” See Muller Section 3.5 and Fig. 6. Client B owns the inventory that is “not present” in the “target virtual universe” of Client A. Once an attack by Client A on Client B’s avatar, i.e., inventory, takes place, all of the servers, including Client A’s, are updated with the new status of the avatar of Client B. The new status translates into “health points” lost as a result of the attack. The Examiner has not shown how *updating* Client A’s existing inventory with the new status is a *determination* made about the existing inventory on the inventory database of the target virtual universe, Client A. For example, the Examiner has not persuasively shown that a skilled artisan would have understood updating inventory at the target universe to teach that any review, i.e., determination, of inventory at the target universe was done prior to the update. We therefore agree with Appellants that making copies of the inventory of each server on all the other servers is not making a determination as recited.

We therefore do not sustain the rejection to claim 15, and claims 16 and 17, which depend directly or indirectly on claim 15.

Claims 18-20 depend directly or indirectly on claim 15, and thus include a recitation of subject matter we find not taught by the cited prior art. The Examiner does not rely on Jensen to cure the above-noted deficiency of Muller and Stamper. Accordingly, we do not sustain the rejection of claims 18-20.

#### CONCLUSION

The Examiner erred in rejecting claims 15-20 under § 103.

#### ORDER

The Examiner's decision rejecting claims 15-20 is reversed.

REVERSED

kis